

EX PARTE OR LATE FILED

Frank Stilwell

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ORIGINAL

**From:** Charlene Vaughn [cvaughn@achp.gov]**Sent:** Friday, March 05, 2004 4:35 PM**To:** Frank Stilwell; Jeffrey Steinberg; schamu@ncshpo.org; Andrea**Subject:** Industrial Park/Commerical Facilities Language

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The language that ACHP has worked out with Andrea for industrial/commercial exclusions is listed below. NCSHPO agreed with the general direction.

Federal Communications Commission  
Office of the Secretary

Upon reflection, we would find it difficult to define adjacent to by establishing a specific distance from the mall within which such properties would be considered. In reviewing the original draft PA included in the NPRM, the 200 feet threshold did not work any more than the footnoted distance of 400 feet or distance equal to the height of the tower. What we actually want to convey is that this provision doesn't work if historic properties are located "next to" an existing mall, industrial park or commercial strip. Again, we are not trying to make this overly complicated and assume that applicants will conduct a preliminary review of records regarding historic properties in the general vicinity.

*For towers that are less than 200 feet, SHPO consultation is not required for Facilities that are to be constructed in existing industrial parks, commercial strip malls or shopping centers when such areas are not included in or adjacent to properties listed in or eligible for listing in the National Register of Historic Places, particularly an NHL, a battlefield or unit of the National Park Service.*

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